IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 374 (M/S) of 2007

Manoj Kumar S/o Sri Dhyan Singh,
R/o Village Tilwari, Viyas Bhoor, Kalsi,
District Dehradun.

..... Petitioner

Vs

1. State of Uttaranchal through its Secretary H0me Dehradun.
2. S.D.M. Kalsi, District Dehradun.
3. B.D.O. Kalsi, District Dehradun.
4. C.O. Vikas Nagar, Dehradun.
5. S.H.O. Kalsi, District Dehradun. ....Respondents

Sri T.S. Phartiyal, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, learned brief holder for the State-respondents.

Hon'ble B.S. Verma, J.

Heard Sri T.S. Phartiyal, learned counsel for the petitioner and Sri Gopal Narain Srivastava, learned brief holder for the State-respondents.

The present writ petition has been filed by the petitioner to issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to compensate the petitioner for the damages caused by the respondents and restrain them from evicting the petitioner from the disputed land except the due course of law.

The question of compensation is involved in the writ petition, which is a question of disputed fact. In writ jurisdiction the disputed question of fact cannot be decided. The petitioner has an alternate remedy to file a civil suit.

The writ petition is devoid of merit and is liable to be dismissed. However, the petitioner would be at liberty to avail appropriate remedy before appropriate forum.

(B.S. Verma, J)

Dated:- 3-5-2007
M.K.